

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**UNITED STATES OF AMERICA**

**Plaintiff,**

**v.**

**Case No: 6:22-cr-143-RBD-DCI**

**TIMOTHY PAUL JONES**

**Defendant.**

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**REPORT AND RECOMMENDATION**

This matter is before the Court on the issue of the mental competency of the Defendant. 18 U.S.C. § 4241. By prior Order, the Court directed the Defendant—who is in the custody of the United States Marshals Service—be examined in custody by a practitioner for an evaluation and the issuance of a report concerning whether the Defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense (18 U.S.C. §§ 4241, 4247(b)). Doc. 30. The Defendant was evaluated by Dr. Carmen Rodriguez in custody at the Federal Detention Center in Miami. Doc. 64. Dr. Rodriguez authored a forensic evaluation report and opined that the Defendant is competent to proceed. *Id.*

On August 1, 2023, the undersigned held a competency hearing. At the hearing, the government proffered Dr. Rodriguez’s report and asserted that the Defendant is competent to proceed based on the findings in that report. The defense then stipulated that the Defendant is competent to proceed, made no objection to Dr. Rodriguez’s report or findings, and chose not to present any evidence on the issue of the Defendant’s mental competency to proceed in this case.

Based on an independent review of Dr. Rodriguez's report and considering the Defendant's stipulation that he is competent to proceed, the undersigned respectfully **RECOMMENDS** that the Court find that the Defendant is competent to proceed in this case because the Defendant is not suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

#### **NOTICE TO PARTIES**

The party has fourteen days from the date the party is served a copy of this report to file written objections to this report's proposed findings and recommendations or to seek an extension of the fourteen-day deadline to file written objections. 28 U.S.C. § 636(b)(1)(C). A party's failure to serve and file written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. See 11th Cir. R. 3-1; 28 U.S.C. § 636(b)(1).

**Recommended** in Orlando, Florida on August 7, 2023.

  
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DANIEL C. IRICK  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

United States Marshal  
United States Attorney  
United States Probation Office  
United States Pretrial Services Office  
Counsel for Defendant